

NEW HAMPSHIRE REAL ESTATE COMMISSION
ORDER
FILE NO. 2011-029

NEW HAMPSHIRE REAL ESTATE COMMISSION
V
RICHARD DALE-MESAROS

This matter comes before the Real Estate Commission on the complaint of the New Hampshire Real Estate Commission through its Investigator Ann Flanagan, alleging violations of NH 331-A:26, II; RSA 331-A:26, IV; RSA 331-A:26, V; RSA 331-A:26, XXIX; and RSA 331-A:26, XXXVI, by Richard Dale-Mesaros. The Real Estate Commission after notice and hearing in the above captioned matter makes the following findings of fact:

1. Richard Dale-Mesaros (hereinafter referred to as Respondent) was licensed as a New Hampshire real estate salesperson on 5/18/09 and was so licensed at the time of the alleged violations.
2. Respondent Richard Dale-Mesaros appeared as a witness at a hearing for File No. 2010-024, New Hampshire Real Estate Commission v. Gilbert W. Cox & Thomas J. Sevigny, on August 16, 2011.
3. During that hearing, an allegation was addressed that Gilbert Cox failed to provide a written brokerage relationship disclosure to a consumer (Richard Dale-Mesaros) at the time of first business meeting.
4. In an apparent attempt to deal with the absence of this form before the hearing, Gilbert Cox and Richard Dale-Mesaros created and executed a false disclosure form which Gilbert Cox presented to the Commission (File No. 2010-024, Complainant's Exhibit #1, p. 76). The signatures on this form were dated

- 4/27/10. Gilbert Cox testified that date must have been written in error for 4/27/09. However, the form used was not created and available for use until 5/12/09, a date after the 4/27/09 date of the subject P&S which indicated "Richard Dale for CLD" as the buyer and signed "CLD by Gilbert Cox".
5. On the State of New Hampshire 2009 Annual Report for CLD Asset Management, LLC, Bert Cox is listed as the Registered Agent & Member of CLD Asset Management, LLC, and Richard Dale-Mesaros and Kevin Lacasse are also listed as Members; Richard Dale-Mesaros was the signing Member.
 6. Respondent Richard Dale-Mesaros replied to this complaint indicating that Bert Cox did not have a Brokerage Relationship Disclosure form when he was answering Complaint File No. 2010-024 and Bert Cox asked him to sign another form.
 7. Respondent Richard Dale-Mesaros indicates that he had signed the form on 4/27/09 which Bert Cox was unable to locate; however, Respondent Richard Dale-Mesaros did not have a copy of the form.
 8. Respondent Richard Dale-Mesaros testified that he signed the form after the complaint was brought against Bert Cox, and that Bert Cox wrote in the date of 4/27/10 but meant to write in the pre-date of 4/27/09.
 9. Respondent testified that Bert Cox told him not to indicate a date when he signed the form and that Bert Cox said he would take care of dating the form.
 10. Respondent admitted that signing the form had a tendency to deceive.

Based on the foregoing findings of fact, the Commission hereby issues the following rulings of law:

Respondent signed a Brokerage Relationship Disclosure form long after the subject transaction to assist Bert Cox in deceiving the Real Estate Commission that Bert Cox possessed the appropriate disclosure form. Even if Respondent did actually sign such a document during the subject transaction, it was wrong for Respondent to falsely sign such a document. Therefore, the Commission rules that Respondent did violate NH RSA 331-A:26, V.

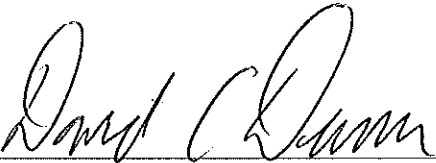
It was unlawful, dishonorable, unethical, and untrustworthy for Respondent to sign the Brokerage Relationship Disclosure form long after the subject transaction with an inaccurate date intended to deceive. Therefore, the Commission rules that Respondent did violate NH RSA 331-A:26, XXIX and RSA 331-A:26, XXXVI.

The Commission does not find separate and independent violations of NH RSA 331-A:26, II or RSA 331-A:26, IV.

In view of the foregoing rulings of law, the Real Estate Commission hereby orders that Respondent pay a disciplinary fine in the amount of five-hundred dollars (\$500) to the New Hampshire Real Estate Commission, payable to the Treasurer State of New Hampshire, within sixty (60) days of the effective date of this Order. Failure to comply with this disciplinary Order will result in the suspension of Respondent's real estate license until the fine is paid.

Under the provisions of RSA 331-A:28, III, this disciplinary action is subject to appeal in the Superior Court. The Respondent has thirty (30) days from the date of this Order in which to file an appeal. Such an appeal will suspend the Commission's disciplinary action pending resolution of the appeal. If this decision is not appealed within thirty (30) days, this Order will become final.

Commissioner William E. Barry evaluated this case and did not take part in the hearing or decision.



David C. Dunn, Presiding Officer

1/17/2012

DATE



James R. Therrien, Commissioner

01/17/2012


DATE



Paul A. Lipnick, Commissioner

1-17-2012

DATE



Daniel S. Jones, Commissioner

1/17/12

DATE